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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 JASON LEE ZUCKER,

11 Defendants.

NO: 2:13-CR-0024-TOR-5

ORDER DISMISSING
SUPERSEDING INDICTMENT
WITHOUT PREJUDICE

12
13 BEFORE THE COURT is the Ninth Circuit’s limited remand for the
14 “purpose of holding an evidentiary hearing to develop the record to identify
15 compliance, or noncompliance, with Washington State’s statutory scheme.” ECF
16 No. 835 at 4. Previously, Mr. Zucker moved to dismiss the charges against him,
17 arguing that Section 542 of the Consolidated and Further Continuing
18 Appropriations Act, 2015, Pub. L. No. 113–235, § 538, 128 Stat. 2130, 2217
19 (2014), prevented his continued prosecution. This Court denied his motion to
20 dismiss and Mr. Zucker pleaded guilty to Count One of the Superseding Indictment

ORDER DISMISSING SUPERSEDING INDICTMENT
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1 filed on May 6, 2014, charging him with Conspiracy to Manufacture and Distribute
2 100 or More Marijuana Plants in violation of 21 U.S.C. §§ 841(a)(1) and 846.
3 ECF No. 637. Mr. Zucker reserved the right to appeal the denial of his motion to
4 dismiss. ECF No. 606 at 13. The Ninth Circuit reversed and remanded for an
5 evidentiary hearing. The Ninth Circuit indicated that if this Court finds that Mr.
6 Zucker complied with state law, his motion to dismiss should be granted. This
7 Court so finds for the reasons stated on the record at the hearing held December
8 18, 2018.

9 **Accordingly, IT IS HEREBY ORDERED:**

10 1. The Judgment against Defendant Jason Lee Zucker (ECF No. 725) is


11 **VACATED.**

12 2. The Superseding Indictment (ECF No. 322) is **DISMISSED** without
13 prejudice.

14 3. The District Court Executive is hereby directed to enter this Order and
15 provide copies to counsel, the U.S. Probation Office, and the U.S.
16 Marshal's Service.

17 **DATED** December 18, 2018.




THOMAS O. RICE
Chief United States District Judge